

रजिस्ट्रं नं० बी०/२२० एम० १४.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिवसा, बृहस्पतिवार, १ जून, १९७८/११ ज्येष्ठ, १९००

हिमाचल प्रदेश सरकार

FOOD AND SUPPLIES DEPARTMENT

ORDER

Simla-171002, the 9th May, 1978

No. FDS. A(3)8/77.—Whereas the Governor of Himachal Pradesh is of the opinion that it is necessary and expedient so to do for maintaining supplies and for securing equitable distribution and availability at fair prices, of pulses, edible oilseeds and edible oils.

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with order of Government of India, Ministry of Civil Supplies and Co-operation S.O. No. 780(E), dated 21st November, 1977, S.O. No. 64(E), dated 4-2-1978, and all other powers enabling him in this behalf and with the prior concurrence of the Central Government, the Governor of Himachal Pradesh is pleased to make the following Order, namely:—

1. (1) This Order may be called the 'Himachal Pradesh Pulses, Edible Oilseeds and Edible Oils Dealers (Storage and Licensing Control) Order, 1978.

(2) It shall come into force at once.

(3) It extends to the whole of the State of Himachal Pradesh.

2. *Definition.*—In this order unless the context otherwise requires,—

- (a) "bulk consumer" means a hotel, restaurant, hostel, hospital or halwai;
- (b) "Commission agent" means a commission agent having in the customary course of business as such agent authority either to sell goods, or to consign goods for the purposes of sale or to buy goods;
- (c) "dealer" means a person engaged in the business of purchase, sale or storage for sale of any pulses, edible oilseeds or edible oils, whether or not in conjunction with any other business and includes his representative or agent;
- (d) "edible oils" means any oil used for cooking for human consumption and includes hydrogenated vegetable oils;
- (e) "producer" means a person carrying on the business of milling any of the pulses or expelling, extracting or manufacturing any edible oil,
 - (i) by buying pulses or edible oilseeds for being processed by himself and selling the finished products to a wholesaler or through a commission agent; or
 - (ii) by doing any of the processes of milling, expelling, extracting or manufacturing on behalf of another;
- (f) "pulses" means urd, moong, arhar, masoor, lobia, Raj-maha;
- (g) gram includes peas or any other dal whether whole or spilt with or without husk;
- (h) "retailer" means a dealer in pulses or in edible oilseeds or in edible oils who is not wholesaler;
- (i) "wholesalers" means a dealer in pulses or in edible oilseeds or in edible oils who sell such commodities to other dealers or to bulk consumers;
- (j) "director" means the director, Civil Supplies, Himachal Pradesh and includes the Deputy Director, Food and Supplies, Himachal Pradesh;
- (k) "inspector" means District Inspector, Inspector and Sub-Inspector, Food and Supplies;
- (l) "licensing authority" means the District Magistrate and the District Food and Supplies Controller;
- (m) "District Magistrate" means the District Magistrate of the District and includes an Additional District Magistrate, Sub-Divisional Magistrate and Executive Magistrate in the District within the areas of their respective jurisdiction.

3. *Licensing of dealer.*—No person shall, after a period of fifteen days from the coming into force of this order, carry on business as a dealer in pulses or in edible oilseeds or in edible

oils except under and in accordance with the terms and conditions of a licence granted to him in this behalf by the licensing authority if the stocks of pulses, edible oilseeds or edible oil in his possession exceed the quantities as specified below:—

Stock limit

- | | |
|-------------------------------------------------------|--------------------------------------------------------------------------------------|
| (i) Pulses | 10 quintals for all pulses taken together. |
| (ii) Edible oil including Hydrogenated vegetable oil. | 5 quintals for all edible oils including Hydrogenated vegetable oils taken together. |
| (iii) Edible oilseeds including groundnut in shell. | 30 quintals of all edible oilseeds. |

(i) All dealers licensed under the Himachal Pradesh Pulses and Edible Oils Dealers (Storage and Licensing) Order, 1977, shall be deemed to be dealers under this order upto and including 31st March, 1978, by which date, they shall obtain a licence under this order:

Provided that the terms and conditions of the licenses issued to them under the Himachal Pradesh Pulses and Edible Oil Dealers (Storage and Licensing) Order, 1977 shall be deemed to be modified so as to be consistent with the provisions of this order.

4. *Restrictions on possession of Pulses, Edible Oilseeds and Edible Oils.*—No dealer shall, after a period of fifteen days from the coming into force of this order either by himself or by any person on his behalf, store or have in his possession at any time any pulses, any edible oilseeds or edible oil in excess of the quantities specified below:—

Stock limits in quintals in the case of—

	Wholesaler	Retailers	Remarks
(i) <i>Pulses</i>			
1. State Capital—Simla (within Municipal Corporation limit Simla).	750	40	All pulses taken together.
2. All—other places in H.P. except, Simla Municipal Corporation Limit.	5,500	30	-do-
(ii) <i>Edible Oilseeds including Groundnut in shell:</i>			
1. State Capital—Simla (within Municipal Corporation limit Simla).	100	75	1. All edible oilseeds taken together.
2. All—other places in H.P. except Simla Municipal Corporation limit.	600	50	2. For groundnut kernel or seed 75% of the limits specified all apply.
(iii) <i>Edible oil including hydrogenated vegetable oils:</i>			
1. State Capital—Simla (within Municipal Corporation limit Simla).	600	15	All edible oils including hydrogenated vegetable oil.
2. All other places in H.P. except Simla Municipal Corporation limit.	350	10	—

“Provided further that where a dealer is also carrying on business as a producer or commission agent, he shall be entitled to retain the stocks limits specified in this sub-clause for each such business if such business and accounts thereof are kept separate and distinct from one another:

Provided also that no producer specified in column (1) of the table below shall store or have in his possession at any time unmilled pulses, edible oilseeds or mustard seeds, as the case may be, in excess of the quantity specified in the corresponding entry in column (2) of the said Table and he shall not hold the finished stock in excess of the quantity specified in the corresponding entry column (3) of the said Table:

TABLE

Producer 1	Quantity of unmilled pulses, edible oilseeds or mustard seeds 2	Quantity of finished stock, namely milled Pulses, oil or mustard oil 3
	Producer who is carrying on business on the commencement of this order.	Producer who has commenced production after the commencement of this order.
1. Producer of Pulses	One-twelfth of the maximum quantity of pulses used by him in any of the three years ending on the 31st day of October, 1977.	For a period of one year from the date of commencement of his production, one-twelfth of the quantity of pulses that would be required for producing a quantity equal to his annual installed capacity.
2. Producer of edible oils, other than Mustard Oil.	One-eighth of the maximum quantity of edible oil seeds used by him in any of the three years ending on the 31st day of October, 1977.	For a period of one year from the date of commencement of his production, one-twelfth of a quantity equal to his annual installed capacity.
3. Producer of Mustard Oil.	One-twelfth of the maximum quantity of mustard seeds used by him in any of the three years ending on the 31st day of October, 77.	For a period of one year from the date of commencement of his production, one-twenty-fourth of a quantity equal to his installed capacity:

Providing also that where any quantity of pulses, edible oils or edible oilseeds is in transit, then for the purposes of this sub-clause, such quantity shall be deemed to have been included in the stocks of the dealer in whom the property in such quantity is retained during such transit in accordance with the terms of any contract or agreement in pursuance of which the quantity is put in such transit”.

5. *Issue of Licence.*—(1) Every application for a licence or renewal thereof shall be made to the licensing authority in Form ‘A’.

(2) An application for renewal of a licence shall be made so as to reach the licensing authority, not less than 30 days before the date on which the licence expires.

(3) Every licence shall be issued in Form ‘B’ and shall be subject to the conditions mentioned therein and such other conditions as the licensing authority may prescribe from time to time.

(4) If a licence granted under this Order is defaced, mutilated, lost or destroyed the dealer shall forthwith inform the licensing authority, who may, on an application by the licensee, issue a duplicate licence.

(5) A separate licence shall be obtained by a dealer for each place of business. The licence granted under this order, unless previously suspended or revoked, shall continue upto 31st March, but shall be renewable annually, on an application by a licensee to the District Food and Supplies Controller which shall be made before the expiry of the validity period of licence accompanied by a renewal fee.

6. *Fees Chargeable.*—The fees specified below shall be chargeable in respect of each licence, namely:—

	Wholesale	Retailer
	Rs.	Rs.
(i) For issue of licence	10	5
(ii) For renewal of licence upto validity period	5	2
(iii) For issue of duplicate licence	5	2

7. *Deposit of Security.*—Every person who applies for licence under this order, shall, before a licence is issued to him, deposit with the licensing authority a security of rupees five hundred in respect of wholesaler and rupees one hundred in respect of retailer in such form as the licensing authority may direct, for the due performance of the conditions subject to which the licence is granted to him.

8. *Powers to refuse licence.*—The licensing authority may, after giving the dealer concerned an opportunity of stating his case and for reasons to be recorded in writing, refuse to grant or renewal a licence.

9. *Directions regarding distribution and sale.*—(1) The licensee shall comply with any direction that may be given to him by the Government, Director or the licensing authority in regard to the purchase, sale and storage for sale of pulses, edible oilseeds and edible oils.

(2) The licensee shall not sell pulses, edible oilseeds and edible oils at rates higher than those that may be fixed from time to time by the Central or State Government in exercise of any powers conferred by law.

10. *Maintenance of Stocks Register.*—(1) Every licensee shall maintain an account of stock in Form ‘C’ of the daily delivery receipts and consumption, as the case may be, and keep it upto-date at the place of his business for inspection as and when required.

(2) Every licensee shall submit to the Licensing Authority a true fortnightly return from 1st to 15th and from 16th to the end of the month, of stock and sale in Form 'D' of each variety of pulses edible oilseeds and edible oils purchased or sold, as the case may be, so as to reach that authority within three days after the close of the fortnight to which it relates.

11. Contravention of conditions of Licence.—No holder of a licence issued under this order or his agent or servant or any other person acting on his behalf shall contravene any of the terms and conditions of the licence or directions issued under clause 9 and if any such holder or his agent or servant or any other person acting on his behalf contravenes any of the said terms, conditions or directions, without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order in writing of the licensing authority:

Provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension.

12. Power to cancel licence.—Notwithstanding anything contained in clause 11 where a licensee has been convicted by a court of law in respect of contravention of any order made under section 3 of the Essential Commodities Act, 1955 (10 of 1955) relating to food stuffs and no appeal is filed against such conviction within the period of limitation prescribed therefore or where such appeal has been filed, conviction is finally maintained by the Court of Law, the Licensing Authority may, by order in writing, cancel his licence.

13. Forfeiture of Security Deposits.—(1) Without prejudice to the provisions of clause 11, if the licensing authority is satisfied that the licensee has contravened any of the conditions of the licence and that a forfeiture of the security deposit is called for, it may, after giving the licensee reasonable opportunity of stating his case against the forfeiture by order in writing, for whole or any part of the security deposited by him and communicate a copy of the order to the licensee.

(2) The licensee shall, if the amount of security at any time, falls short of the amount specified in clause 7 forthwith deposit further security to make up that amount on being required by the Licensing Authority to do so.

(3) Upon the compliance by the licensee with all obligations under the licence, the amount of security or such part thereof which is not forfeited as aforesaid, shall be returned to the licensee after the termination of the licence.

14. Appeal.—(1) Any person aggrieved by an order of the Licensing Authority refusing to grant or renew the licence or cancelling or suspending a licence or forfeiting the security deposited by the licensee under the provisions of this Order, may appeal to the Director within 30 days of the date of receipt by him of such order.

(2) No such appeal shall be disposed of unless the aggrieved person has been given reasonable opportunity of stating his case.

(3) The decision of the Director and subject only to that the decision of the licensing authority shall be final.

(4) Pending the disposal of the appeal, the Director may direct that the order refusing to renew a licence or the order cancelling or suspending the licence shall not take effect till the appeal is disposed of.

15. Inspection of books and documents.—The Director, the District Magistrate, the Licensing Authority and the Inspector may inspect or cause to be inspected any books or other documents belonging to or under the control of a producer or a dealer.

16. Powers of entry search and seizure.—(1) The Director, District Magistrate, Licensing Authority, Inspector or any other officer authorised by the Himachal Pradesh Government in this behalf may, with such assistance, if any, as he thinks fit:—

- (a) require the owner, occupier or any other person in charge of any place, premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any licence issued thereunder has been, is being or is about to be committed, to produce any book, accounts or other documents, showing transactions relating to such contravention;
- (b) enter, inspect or break open and search any place or premises, vehicles or vessel in which he has reason to believe that any contravention of the provisions of this order, or of the condition of any licence issued thereunder has been, is being or is about to be committed;
- (c) search, seize and remove stocks of pulses edible oilseeds and a edible oils and the animals, vehicles, vessels or other conveyance used in carrying the said pulses, edible oilseeds and edible oils for contravention of the provisions of this order or of the conditions of the licence issued thereunder and thereafter take or authorise the taking of measures necessary for securing the production of stocks of pulses edible oilseeds and edible oils and the animals, vehicles, vessels or other conveyance so seized in a court and for their safe custody pending such production.

(2) The provisions of section 100 of the Code of Criminal Procedure, 1973, relating to search and seizure, shall so far as may apply to searches, seizures under this clause:

Provided that in exercising the power of entry and search under this clause, due regard shall be paid by the officer concerned to the special and religious customs of the occupants of premises so entered and searched.

17. Order not to apply in certain cases.—Nothing in this order shall apply:—

- (i) to a corporation or company owned or controlled by the Central Government or a State Government, or
- (ii) to any Central Level or State Level Co-operative Society engaged in the production, procurement, sales, purchase or distribution of pulses, oilseeds and edible oils.

18. Power to exempt.—The State Government, may if it considers it necessary for avoiding hardship or for any other just and sufficient reason, by notification in the Official Gazette, exempt any producer, dealer or commission agent from the operation of all or any of the provisions of this Order, either generally or for any specified period, subject to such conditions as may be specified in the notification:

Provided that no notification under this clause shall be issued except with the previous approval of the Central Government.

19. Repeal and Savings.—The Himachal Pradesh pulses, Edible Oilseeds and Edible Oils Dealers (Storage and Licensing) Order, 1977, is hereby repealed:

Provided that such repeal shall not effect:—

- (a) the previous operation of the said order or any thing duly done or suffered thereunder;
or

- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said order; or
- (c) any penalty, forfeiture or punishment, incurred in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture, or punishment, may be imposed as if the said order had not been repealed.

By order,
S. M. KANWAR,
Secretary.

FORM 'A'

(See clause 5)

THE HIMACHAL PRADESH PULSES, EDIBLE OILSEEDS AND EDIBLE OIL DEALERS (STORAGE AND LICENSING CONTROL) ORDER, 1978

To

The District Magistrate/District Food and Supplies Controller.

Application for grant/Renewal of Wholesale/Retail Licence.

1. Name in which licence is required.....
2. Persons having interested in the business.....
3. Name.....Father's name.....Home address.....
3. Situation of applicant's place of business with particulars as to number of house, mohalla, town or village, Police Station and District.....
4. How long has the applicant being trading in pulses/edible oil seeds and edible oils?
5. Quantities of each variety of pulses/edible oil seeds and edible oils handled during the last year.
6. Quantity of pulses/edible oil seeds and edible oils to be handled during the current year.
7. Income Tax paid in the two years proceeding the year of application (to be indicated separately).

(1)

(2)

8. (1) Quantity of pulses/edible oil seeds and edible oils in the possession of the applicant on the date of application (Separate figures are to be given for each variety of pulses/edible oil seeds and edible oil).
- (2) Complete address of places where Pulses/Edible Oil Seeds and Edible Oils are proposed to be stored.

I declare that the quantities of pulses, edible oilseeds and edible oils are in my possession.

I have carefully read with conditions of licence and I agree to abide by them I/we also declare that the above information is true to the best of my/our knowledge and belief.

I hereby, apply for renewal of licence No.....Dated.....issued to me on.....

Place.....

Signature of the applicant.

Date.....

FORM 'B'

(See clause 5)

HIMACHAL PRADESH PULSES, EDIBLE OILSEEDS AND EDIBLE OILS DEALERS

(STORAGE AND LICENSING CONTROL) ORDER, 1978

Licence for purchase, Sale or storage for Sale of pulses or edible oilseeds/edible oils.

Licence No.....

1. Subject to the provisions of the Himachal pradesh Pulses, edible oil seeds/edible Oils Dealers (Storage and Licensing Control) Order, 1978, and to terms and conditions of this licence...../is/are hereby authorised to purchase, sell or store for sale all the pulses, edible oil seeds and edible oils including hydrogenated vegetable oil.

1.

2.

3.

2. (a) The licensee shall carry on the aforesaid business at the following place:

(b) Pulses, edible oilseeds and edible oils in which the aforesaid business is to be carried on shall not be stored at any place other than any of the godowns mentioned below:—

1.

2.

3.

Note.—If the licensee stores his pulses, edible oilseeds and edible oils at any place other than these specified above, he shall give intimation thereof to the licensing authority within 24 hours of such storage.

1.

2.

3.

3. (i) The licensee shall, except when specially exempt by the State Government or by the licensing authority in this behalf maintain a register of daily accounts for each of the pulses, edible oilseeds and edible oils showing correctly:—

- (a) the opening stock on each day;
- (b) the quantities received on each day showing the places from where and the source from which received;
- (c) the quantities delivered or otherwise removed on each day showing the places of destination; and
- (d) the closing stock of each day.

(ii) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause, the burden of proving which shall be upon him.

(iii) A licensee who is a producer himself shall separately show the stocks of his own produce in the daily account, if such stocks are stored in his business premises.

4. (1) The licensee shall, except when specially exempted by the State Government or by any officer authorised by the State Government in this behalf submit to the licensing authority concerned a true return in Form 'D' of the stocks, receipts and deliveries of each of the pulses, edible oil seeds and edible oils every fortnight (1st to 15th and 16th to end of the month) so as to reach him within 3 days after the close of the fortnight.

(2) Licensees shall however, submit their returns of stocks of pulses separately, in addition to return for edible oil seeds and edible oils in Form 'D'.

5. The licensee shall, not contravene the provisions of the Himachal Pradesh Pulses, Edible Oil Seeds and Edible Oils Dealers (Storage and Licensing Control) Order, 1978 or any other order relating to food stuffs issued under the Essential Commodities Act, 1955 (10 of 1955).

6. The licensee shall not contravene the provisions of any other law relating to foodstuffs for the time being in force.

7. The licensee shall not enter into any transaction involving purchase, sale or storage for sale of pulses, edible oil seeds and edible oils in a speculative manner prejudicial to the maintenance and easy availability of supplies of pulses, edible oil seeds and edible oils in the market.

8. The licensee shall exhibit the entrance or some other prominent place of his business premises the stock and price of the pulses, edible oil seeds and edible oils held by him for sale. Such lists shall be legibly written in the principle language of the locality concerned. It shall indicate separately the stock and prices of different varieties of pulses, edible oil seeds and edible oils.

9. The licensee shall, except when specially exempted by the State Government or by the licensing authority in this behalf issued to every customer a correct receipt of invoice, as the case may be, giving his own name, address and licence number, the name, address and licence No. (if any) of the customer, the date of transaction, the quantity sold, the price per quintal and the total amount charged and shall keep a duplicate copy of the same to be available for inspection on demand by the licensing authority or any officer authorised by it in this behalf.

10. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer, authorised by it or the State Government for the inspection of his stocks and accounts at any shop, godowns or other place used by him for storage, sale or purchase of pulses, edible oil seeds and edible oils for examination.

11. The licensee shall comply with any direction that may be given to him by the State Government, Director, District Magistrate, or the Licensing Authority in regard to the language in which the register, returns, receipts or invoices mentioned in para 3.4 or 9 shall be written and the authenticated and maintenances of the register mentioned in para 3 and 9.

12. The Licensee shall in a case where the functions in a regulated market abide by such instructions relating to his business as are given by the marketing authority having jurisdiction, and in any other case by some body as may be recognised by the State Government in this behalf.

13. The licensee shall not sell or offer to sell in any locality any pulses and edible oils seeds and edible oils at a price higher than that fixed, for sale of pulses, edible oil seeds and edible oils in such locality, by the Central Government or the State Government in pursuance of any power conferred by law.

14. This licence shall be attached to any application for renewal.

15. This licence shall be valid upto.....

Place.....

.....
(Licensing Authority).

Date.....

FORM 'C'

[See clause 10(1)]

FORM OF REGISTER FOR MAINTENANCE OF STOCK ACCOUNTS

Sr. No.	Date	Name of commodity	Stock in hand/ opening balance	Stock received	Source from where received	Total column 4 and 5	Total delivered/ sold	Balance
8	2	3	4	5	6	7	8	9

Note.—Separate accounts of pulses, edible oil seeds and edible oils are to be maintained.

FORM 'D'

(Sec clause 10)

RETURN OF STOCKS, RECEIPTS AND SALE OF PULSES, EDIBLE OIL SEEDS AND
EDIBLE OILS FOR THE FORTNIGHT ENDING

Name.....

No. of Licence.....

Address.....

Particulars of godowns where stock held.

<i>Particulars</i>	<i>Quantity</i>	<i>Remarks</i>
1. Stock at the beginning of the fortnight:		
(a) Actually with the stockists	..	
(b) Pledge as a bank or Co-op. Society	..	
Total	..	
2. (a) Quantity purchased during the fortnight and the source of supply.		
(b) Total quantity purchased during the fortnight ending:		
(i) Average Price Paid		
Quantity Sold:		
(a) Quantity sold and delivered/removed during the fortnight.		
1. Locally or for movement of Place:	..	
2. Within the State of Himachal	..	
3. For movement of other State	..	
Total (1) Plus (2)	..	
Total (a)	..	
(b) Quantity sold but not yet delivered:		
(1) Locally or for movement within the State of Himachal Pradesh	..	
(2) For movement to other State:		
Total (1) plus (2)	..	
Total (a) plus (b)	..	

<i>Particulars</i>	<i>Quantity</i>	<i>Remarks</i>
--------------------	-----------------	----------------

(c) (i) Total quantity sold during the fortnight ending	..	
---------------------------------------------------------	----	--

(ii) Average price realized/charge stocks at the end of the fortnight	..	
-----------------------------------------------------------------------	----	--

4. (a) Actually with the Stockists:	..	
-------------------------------------	----	--

(i) Unsold	..	
------------	----	--

(ii) Sold but awaiting delivery	..	
---------------------------------	----	--

(b) Pledged with any other person or institution such as a Bank or a Co-operative Society	..	
-------------------------------------------------------------------------------------------	----	--

Total	..	
-------	----	--

5. Details of average margin in respect of stocks of each of the pulses, edible oil seeds and edible oils.

Sold during the fortnight:

(a) Handling.....

(b) Transport.....

(c)

(d)

(e) Net profit

